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In re Application of
TORMO I BLASCO et al.
Application No.: 10/590,326
PCT No.: PCT/EP05/02424
Int. Filing Date: 08 March 2005
Priority Date: 10 March 2004
Attorney Docket No.: 5000-0193PUS1
For: 5,6-Dialkyl-7-Aminotriazolopyrimidines, Their
Preparation And Their Use For Controlling Harmful
Fungi, And Compositions Comprising These Comp...

DECISION

This is in response to the correspondence filed 20 June 2007, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

This international application was filed on 08 March 2005, claimed an earliest priority date of 10 March 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 22 September 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 10 September 2006. On 23 August 2006, applicants filed *inter alia* the basic national fee.

On 20 April 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

DISCUSSION

Petitioner states in part that "a Declaration was filed with the application on August 23, 2006... As evidence of Applicant's previous submission of a Declaration..., Applicant encloses a copy of the Transmittal Letter, Declaration and Power of Attorney, filed August 23, 2006, and a copy of the postcard indicating receipt of the Declaration by the U.S.P.T.O." Petitioner has submitted a copy of a return postcard receipt itemizing *inter alia* the declaration and stamped as received by OIPE on 23 August 2006.

MPEP 503 states in part that

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Following the policy described at MPEP 503, the copy of the declaration document received on 20 June 2007 is being regarded as a copy of the declaration originally filed on 23 August 2006, and itemized on the postcard receipt. Review of the declaration reveals that it is

acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). Therefore, the Notification of Missing Requirements mailed on 20 April 2007 is hereby **VACATED**.

CONCLUSION

The petition is **GRANTED**.

This application is being returned to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **23 August 2006**.



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